

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
JOSEPH FLEMING,)
Defendant.)

8:05CR97
ORDER

This matter is before the court on defendant's unopposed MOTION TO CONTINUE FILING PRETRIAL MOTION [18]. For good cause shown, I find that the motion should be granted. The defendant will be given the requested approximate 10-day extension. Pretrial Motions shall be filed by May 5, 2005.

IT IS ORDERED:

1. Defendant's MOTION TO CONTINUE FILING PRETRIAL MOTION [18] is granted. Pretrial motions shall be filed on or before **May 5, 2005**.
2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between April 25, 2005 and May 5, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED April 25, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**